

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
May 19, 2015

**SUBJECT:** Order to Abate [Excessive Outside Storage & Accumulated Rubbish]  
Case No. CV11-06134 [NIXON]  
Subject Property: 14791 Old Morongo Road, North Palm Springs  
APN: 668-040-021  
District: 5 [\$0.00]


**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06134;
2. Authorize the Chairman of the Board of Supervisors to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06134; and
3. Authorize the Clerk of the Board of Supervisors to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV11-06134.

**BACKGROUND:**

**Summary**

On April 28, 2015, this Board received the declaration of the Code Enforcement Officer in the above referenced matter and declared the excessive outside storage and accumulated rubbish, located on the subject property to be a public nuisance. The Board ordered the property owner to abate the violative (Continued)

  
GREGORY P. PRIAMOS  
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

BY:

  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

Departmental Concurrence

- Positions Added
- Change Order
- A-30
- 4/5 Vote

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11: Order to Abate [Excessive Outside Storage & Accumulated Rubbish]**

Case No. CV11-06134 [NIXON]

Subject Property: 14791 Old Morongo Road, North Palm Springs

APN: 668-040-021

District: 5 [\$0.00]

**DATE:** May 19, 2015

**PAGE:** 2 of 2

**BACKGROUND:**

**Summary (continued)**

conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

**Impact on Citizens and Businesses**

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS**

Findings of Fact

1 RECORDING REQUESTED BY:  
2 Kecia Harper-Ihem, Clerk of the  
3 Board of Supervisors  
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:  
6 Michelle Cervantes, Senior Code Enforcement Officer  
7 Regina Keyes, Senior Code Enforcement Officer  
8 CODE ENFORCEMENT DEPARTMENT  
9 4080 Lemon Street, Twelfth Floor (Stop #1012)  
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**  
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE: ) CASE NO. CV 11-06134  
14 [EXCESSIVE OUTSIDE STORAGE AND )  
15 ACCUMULATION OF RUBBISH]; ) FINDINGS OF FACT,  
16 APN 668-040-021, 14791 OLD MORONGO ) CONCLUSIONS AND ORDER TO  
17 ROAD, NORTH PALM SPRINGS, RIVERSIDE ) ABATE NUISANCE  
18 COUNTY, CALIFORNIA; SUZANNE K. NIXON, )  
19 OWNER. ) [R.C.O. Nos. 348, 541 and 725]

20 The above-captioned matter came on regularly for hearing on April 28, 2015, before the  
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor  
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real  
23 property described 14791 Old Morongo Road, North Palm Springs, Riverside County, Assessor's  
24 Parcel Number 668-040-021 and referred to hereinafter as "THE PROPERTY."

25 Sophia Choi, Deputy County Counsel, appeared along with Regina Keyes, Senior Code  
26 Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

27 Ms. Nixon appeared, but did not address the Board of Supervisors.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together  
with attached Exhibits, evidencing the excessive outside storage of materials and accumulation of  
rubbish on THE PROPERTY as violations of Riverside County Ordinance Nos. 348 and 541 and as  
a public nuisance.

1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder’s Office identify the owner  
3 of THE PROPERTY as Suzanne K. Nixon (“OWNER”).

4 2. Documents of title indicate that other parties appear to potentially hold a legal interest  
5 in THE PROPERTY, to wit: Private Loan Funding, Corp., Internal Revenue Service, and Theodore  
6 Olic and Olga Olic Family Trust (hereinafter referred to as “INTERESTED PARTIES”).

7 3. THE PROPERTY was inspected by Code Enforcement Officers on August 16, 2012,  
8 and on eight other occasions, the last being April 21, 2015.

9 4. During each inspection an accumulation of rubbish and excess outside storage was  
10 observed throughout THE PROPERTY consisting of but not limited to: furniture, boxes, bags,  
11 containers, household items, scrap wood, tires, mattresses, yard tools and miscellaneous items in  
12 excess of 2,000 square feet.

13 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance  
14 Nos. 348 and 541 by the Code Enforcement Officer.

15 6. On September 26, 2014, a Notice of Pendency of Administrative Proceedings was  
16 recorded at the Riverside County Recorder’s Office as instrument number 2014-0367906.

17 7. On August 16, 2012, a Notice of Violation was posted on THE PROPERTY. On  
18 August 20, 2012 a Notice of Violation was mailed to OWNER by regular mail. On July 1, 2014, a  
19 Notice of Violation was mailed to OWNER and INTERESTED PARTIES by certified mail, return  
20 receipt requested and was posted on THE PROPERTY on July 8, 2014.

21 8. A “Notice to Correct County Ordinance Violations and Abate Public Nuisance”  
22 providing notice of the public hearing before the Board of Supervisors was mailed to OWNER and  
23 INTERESTED PARTIES and was posted on THE PROPERTY.

24 **FINDINGS AND CONCLUSIONS**

25 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in  
26 regular session assembled on April 28, 2015, finds and concludes that:

27 1. WHEREAS, the excessive outside storage of materials and accumulation of rubbish  
28 on the real property located at 14791 Old Morongo Road, North Palm Springs, Riverside County,

1 California, also identified as Assessor's Parcel Number 668-040-021 violates Riverside County  
2 Ordinance Nos. 348 and 541 and constitutes a public nuisance.

3 2. WHEREAS, the OWNER, occupants and any other person having possession or  
4 control of THE PROPERTY shall abate the accumulation of rubbish and excessive outside storage of  
5 materials by removing and disposing of all rubbish and excessive outside storage on THE  
6 PROPERTY in strict accordance with all Riverside County Ordinances, including but not limited to  
7 Riverside County Ordinance Nos. 348 and 541 within ninety (90) days.

8 3. WHEREAS, the OWNER AND INTERESTED PARTIES ARE HEREBY  
9 FURTHER NOTICED that the time within which judicial review of the administrative  
10 determinations made herein must be sought is ninety (90) days from the posting and mailing of the  
11 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of  
12 Civil Procedure Section 1094.6.

13 **ORDER TO ABATE NUISANCE**

14 IT IS ORDERED that the accumulation of rubbish and excessive outside storage of materials  
15 on THE PROPERTY be abated by OWNER or anyone having possession or control of THE  
16 PROPERTY by removing and disposing of all rubbish and excessive outside storage of materials on  
17 THE PROPERTY in strict accordance with all Riverside County Ordinances, including but not  
18 limited to Riverside County Ordinance Nos. 348 and 541, within ninety (90) days of the posting and  
19 mailing of this Order to Abate Nuisance.

20 IT IS FURTHER ORDERED that if the accumulation of rubbish and excessive outside  
21 storage of materials is not removed and disposed of in strict accordance with all Riverside County  
22 Ordinances, including but not limited to Riverside County Ordinance Nos. 348 and 541 within ninety  
23 (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish and excessive  
24 outside storage of materials may be abated and disposed of by representatives of the Riverside  
25 County Code Enforcement Department, a contractor or the Sheriff's Department upon receipt of an  
26 owner's consent or a Court Order when necessary under applicable law.

27 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity  
28 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special

1 assessment against THE PROPERTY pursuant to Government Code section 25845 and Riverside  
2 County Ordinance Nos. 348, 541, and 725. Under Riverside County Ordinance No. 725, "abatement  
3 costs" means "any costs or expenses reasonably related to the abatement of conditions which violate  
4 County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation,  
5 collection and administrative costs, attorneys fees, and the costs associated with the removal or  
6 correction of the violation." Reasonable abatement costs accrued by the Code Enforcement  
7 Department will be recoverable from OWNER even if THE PROPERTY is brought into  
8 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

9  
10 Dated: \_\_\_\_\_

COUNTY OF RIVERSIDE

11  
12 By \_\_\_\_\_  
13 Marion Ashley  
14 Chairman, Board of Supervisors

14 ATTEST:

15 KECIA HARPER-IHEM

16 Clerk to the Board

17  
18 By

19 Deputy

20 (SEAL)